

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 240 and 241 have been objected to as containing informalities; Claims 1-4, 32, 33, 113-118, 122-126, 143, 144, 147, 151, 152, 154, 155, 158, 161, 163, 212-217, 219, 220, 222-226, 228-230, 236-238, 240-244, 249-252, 255, 258 and 259 have been rejected under 35 U.S.C. § 102 as being anticipated by Smith et al. (U.S.P. 5,387,197); Claims 145, 146, 218, 221, 227 and 260 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and Claims 5-15, 17-20, 22-25, 27, 31, 34-50, 91-112, 119-121, 127-142, 148-150, 153, 156, 157, 159, 160, 162, 164-211, 231-235, 245-248, 253, 254, 256 and 257 have been allowed. Claims 1-15, 17-20, 22-25, 27, 31-50, 91, 96-238 and 240-260 remain active.

Considering first then the Examiner's objection to Claims 240 and 241, it is to be noted that such claims have now been appropriately amended to each depend upon Claim 216.

Considering next then the rejection of Claims 1-4, 32, 33, 113-118, 122-126, 143, 144, 147, 151, 152, 154, 155, 158, 161, 163, 212-217, 219, 220, 222-226, 228-230, 236-238, 240-244, 249-252, 255, 258 and 259 under 35 U.S.C. § 102 as being anticipated by Smith et al., with respect to each of the independent claims noted above which have been rejected over Smith et al., it is to be noted that each of such claims has now been amended to specify that the penetrator comprises a cannula and an obturator and further defines the blade as being located at a distal tip of the cannula. This feature clearly differs from the obturator 155 shown in Figure 4 of Smith et al. which is provided with a blade 160 at a distal tip portion thereof. Insofar as there is no teaching or suggestion in Smith et al. of relocating the blade

shown in Figure 4 of Smith et al. which is provided with a blade 160 at a distal tip portion thereof. Insofar as there is no teaching or suggestion in Smith et al. of relocating the blade 160 so as to be at the end portion of the cannula 30 of Smith et al., it is respectfully submitted that each of independent Claims 1, 5, 113, 143, 151, 154, 155, 158, 161, 163, 212, 216, 224, 236, 249, 255, and 258 now clearly patentably define over Smith et al. as well as the remaining references of record. Insofar as the above-noted structural arrangement of the present invention serves to provide a surgical device with improved cutting and safety features and in view of the fact that neither Smith et al. nor any of the remaining references of record teach or disclose combined limitations set forth in each of the above-noted independent claims, it is submitted that such claims, as well as all claims dependent therefrom, now merit indication of allowability with the same being hereby respectfully requested.

Respectfully submitted,

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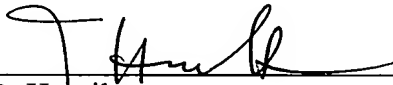
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